

AMENDED IN SENATE SEPTEMBER 2, 2005

AMENDED IN SENATE AUGUST 30, 2005

AMENDED IN SENATE AUGUST 15, 2005

AMENDED IN SENATE JUNE 21, 2005

AMENDED IN ASSEMBLY MAY 3, 2005

AMENDED IN ASSEMBLY APRIL 20, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 7

**Introduced by Assembly Member Cogdill
(Principal coauthor: Assembly Member Maze)**

(Principal coauthor: Senator Cox)

**(Coauthors: Assembly Members Aghazarian, Benoit, Berg,
Daucher, DeVore, Emmerson, Harman, Shirley Horton, Huff,
Jones, Keene, La Malfa, La Suer, Leslie, McCarthy, Mountjoy,
Mullin, Richman, Sharon Runner, Tran, and Villines)**

(Coauthors: Senators Ashburn, Hollingsworth, and Runner)

December 6, 2004

An act to add Sections 13007 and 13008 to the Fish and Game Code, relating to sport fishing, ~~making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 7, as amended, Cogdill. Sport fishing: license revenues: fish hatcheries and inland fisheries.

Under existing law, all moneys collected under the provisions of the Fish and Game Code are deposited into the Fish and Game Preservation Fund, unless otherwise provided.

Existing law provides that, of the moneys collected from fees for lifetime sportsman's licenses, lifetime hunting licenses, and lifetime sport fishing licenses, \$20 from the initial issuance of each lifetime license is deposited into the Fish and Game Preservation Fund for the costs of hunting and sport fishing programs, and the rest is deposited in the Lifetime License Trust Account within that fund, the principal of which is to be used for investment, except as specified.

This bill instead would provide that, commencing July 1, 2007, 25% 2006, 33 1/3% of the fees derived from the issuance of all sport fishing licenses, with the exception of revenue currently designated for deposit into the ~~Lifetime License Trust Account in the Fish and Game Preservation Fund~~, *Abalone Restoration and Preservation Account* be deposited into the Hatchery and Inland Fisheries Fund, which the bill would establish in the State Treasury. The bill would provide that moneys in the fund may be used, upon appropriation by the Legislature, to support programs of the Department of Fish and Game related to the management, ~~and~~ maintenance, *and capital improvement* of California's fish hatcheries, the Heritage and Wild Trout Program, and enforcement activities related thereto, and to support other activities eligible to be funded from revenue generated by sport fishing license fees.

~~This bill would require the department, by July 1, 2012, to operate state fish hatcheries in a manner that results in the use of 30% of the fish in a program designed to initiate and manage the restoration of naturally indigenous genetic stocks of trout to their original California source watersheds. The bill would require the sport fishing license fees collected and subject to appropriation to be used to attain state fish hatchery production goals relating to the release of trout, as specified, to fund regional permanent positions, seasonal aides, and other activities in the Heritage and Wild Trout Program, and to the department to initiate and manage the restoration of naturally indigenous genetic stocks of trout to their original California source watersheds. The bill would authorize the use of funds in the Hatchery and Inland Fisheries Fund to be used for the purpose of obtaining scientifically valid genetic determinations of California native trout stocks. The bill would appropriate from the General Fund a sum of \$2,200,000 to the department for the purposes of expenditure for nonmitigation hatcheries and the Heritage and Wild Trout Program. Of that amount, \$1,200,000 would be expended for nonmitigation~~

~~hatcheries, and \$1,000,000 would be expended for the Heritage and Wild Trout Program.~~

~~This bill would declare that it is to take effect immediately as an urgency statute. The bill would also require the department, by July 1, 2008, and biennially thereafter, to report to the Legislature on the implementation of provisions of the bill, as specified.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: ~~yes-no~~. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13007 is added to the Fish and Game
2 Code, to read:
3 13007. (a) Notwithstanding Section 13001 and paragraph (1)
4 of subdivision (a) of Section 13005, commencing July 1, ~~2007~~,
5 ~~25~~ 2006, 33 $\frac{1}{3}$ percent of all sport fishing license fees, *except*
6 *license fees collected pursuant to Section 7149.8 collected*
7 *pursuant to Article 3 (commencing with Section 7145) of*
8 *Chapter 1 of Part 2 of Division 6 shall be deposited into the*
9 *Hatchery and Inland Fisheries Fund, which is hereby established*
10 *in the State Treasury. Moneys in the fund may be expended,*
11 *upon appropriation by the Legislature, to support programs of the*
12 *Department of Fish and Game related to the management-and,*
13 *maintenance, and capital improvement of California's fish*
14 *hatcheries, the Heritage and Wild Trout Program, and*
15 *enforcement activities related thereto, and to support other*
16 *activities eligible to be funded from revenue generated by sport*
17 *fishing license fees.*
18 *(b) The sport fishing license fees collected and subject to*
19 *appropriation pursuant to subdivision (a) shall be used for the*
20 *following purposes:*
21 *(1) For the department's attainment of the following*
22 *production goals for state hatcheries, based on the sales of the*
23 *following types of sport fishing licenses: resident; lifetime;*
24 *non-resident year; nonresident, 10-day; 2-day; 1-day; and*
25 *reduced fee.*
26 *(A) By July 1, 2007, a minimum of 2.25 pounds of released*
27 *trout per sport fishing license sold in 2006, 1.75 pounds of which*
28 *must be of catchable size or larger.*

1 (B) By July 1, 2008, a minimum of 2.5 pounds of released
2 trout per sport fishing license sold in 2007, 2.0 pounds of which
3 must be of catchable size or larger.

4 (C) By July 1, 2009, and thereafter, a minimum of 2.75 pounds
5 of released trout per sport fishing license sold in 2008, 2.25
6 pounds of which must be of catchable size or larger.

7 (D) The department shall attain these goals in compliance
8 with Fish and Game Commission trout policies concerning
9 catchable-sized trout stocking.

10 (2) To the Heritage and Wild Trout Program, two million
11 dollars (\$2,000,000), which shall be used for permanent
12 positions and seasonal aides in each region of the state as
13 necessary, and other activities necessary to the program.

14 (A) The funds allocated pursuant to this paragraph shall be
15 used to fund seven new positions for the Heritage and Wild Trout
16 Program.

17 (B) In addition to the seven new positions specified in
18 subparagraph (A), the department may hire seasonal aides in
19 each region of the state to assist with the operations of the
20 Heritage and Wild Trout Program.

21 (3) The department shall, by July 1, 2011, ensure that 25
22 percent of the fish produced by state fish hatcheries are used for
23 the purpose of initiating and managing the restoration of
24 naturally indigenous stocks of trout to their original California
25 source watersheds. This paragraph shall not be construed to
26 prohibit the department from using surplus fish in waters outside
27 of their original California source watersheds. All trout restored
28 pursuant to this paragraph shall be native California trout, as
29 defined in Section 7261. The department shall attain the 25
30 percent restoration goal of this paragraph according to the
31 following schedule:

32 (A) By July 1, 2009, 15 percent and at least 4 species, not
33 including the coastal rainbow trout/steelhead.

34 (B) By July 1, 2010, 20 percent and at least 4 species, not
35 including the coastal rainbow trout/steelhead.

36 (C) By July 1, 2011, and thereafter, 25 percent and at least 5
37 species, not including the coastal rainbow trout/steelhead.

38 (4) The department may hire additional staff for state fish
39 hatcheries, in order to comply with the requirements of this
40 subdivision.

1 (c) *The department may allocate any funds under this section,*
2 *not necessary to maintain the minimums specified in*
3 *subparagraphs (1) and (3) of subdivision (b), and after the*
4 *expenditure in subparagraph (2) of subdivision (b), to the Fish*
5 *and Game Preservation Fund. The department may utilize*
6 *federal funds to meet the minimums specified in this subdivision.*

7 ~~(b) The department shall, by July 1, 2012, operate state fish~~
8 ~~hatcheries in a manner that results in the use of 30 percent of the~~
9 ~~fish in a program designed to initiate and manage the restoration~~
10 ~~of naturally indigenous genetic stocks of trout to their original~~
11 ~~California source watersheds.~~

12 ~~(c) Trout fish to be restored pursuant to subdivision (b) shall~~
13 ~~be native trout fish as defined in Section 7261.~~

14 (d) A portion of the moneys subject to appropriation pursuant
15 to subdivision (a) may be used for the purpose of obtaining
16 scientifically valid genetic determinations of California native
17 trout stocks, consistent with Theme 1 in the executive summary
18 of the department's Strategic Plan for Trout Management,
19 published November 2003.

20 (e) *The department, by July 1, 2008, and biennially thereafter,*
21 *shall report back to the fiscal and policy committees in the*
22 *Legislature on the implementation of these provisions.*

23 ~~SEC. 2. Section 13008 is added to the Fish and Game Code,~~
24 ~~to read:~~

25 ~~13008. There is hereby appropriated from the General Fund~~
26 ~~in the State Treasury the sum of two million two hundred~~
27 ~~thousand dollars (\$2,200,000) to the department for the purposes~~
28 ~~of expenditure for nonmitigation hatcheries and the Heritage and~~
29 ~~Wild Trout Program. Of that amount, one million two hundred~~
30 ~~thousand dollars (\$1,200,000) shall be expended for~~
31 ~~nonmitigation hatcheries, and one million dollars (\$1,000,000)~~
32 ~~shall be expended for the Heritage and Wild Trout Program.~~

33 ~~SEC. 3. This act is an urgency statute necessary for the~~
34 ~~immediate preservation of the public peace, health, or safety~~
35 ~~within the meaning of Article IV of the Constitution and shall go~~
36 ~~into immediate effect. The facts constituting the necessity are:~~

37 ~~In order to ensure that the Department of Fish and Game grants~~
38 ~~priority to fish hatchery and inland fishery funding during its~~

- 1 ~~2005-06 budget review process, it is necessary that this act take~~
- 2 ~~effect immediately.~~

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